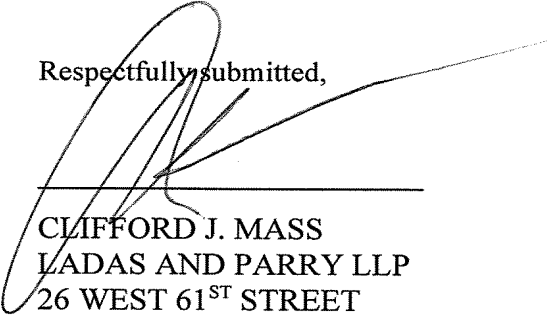


This election is based on the understanding that the Examiner is not requiring an election of species and, in particular, is not requiring an election of a specific gene encoding sucrose synthase to produce the claimed transgenic plants, and that the elected claims will thus be examined for the use of all species of DNA encoding sucrose synthase that fall within the scope of the elected claims.

In this connection, Applicant respectfully notes that the Examiner's statement that the claims of Group IV do not "require" SEQ ID NO: 3 or SEQ ID NO: 11 is respectfully incorrect. For example, Applicant respectfully notes that claim 35 recites the use in producing transgenic plants of a cDNA which encodes SSX (SEQ ID NO: 3 encoding SEQ ID NO: 4). Accordingly, at least this claim does "require" SEQ ID NO: 3. Moreover, while claim 34 does not "require" SEQ ID NO: 11, it encompasses the use of this DNA to produce a transgenic plant. Accordingly, for purposes of the restriction requirement, it is understood that the use of all DNA species encompassed by the claims, including the species of SEQ ID NO: 3 and SEQ ID NO: 11, will be examined with the elected invention.

In view of the above, Applicant respectfully submits that Applicant has complied with all requirements in the restriction action, and now respectfully requests an early examination on the merits of at least the elected claims.

Respectfully submitted,



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